



The Planning Inspectorate

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To Interested Parties and Esso
Petroleum Company, Limited

Your Ref:

Our Ref: EN070005

Date: 6 February 2020

Dear Sir/Madam

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as
amended) – Rules 9 and 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 –
Regulations 4 to 19**

**Application by Esso Petroleum Company, Limited for an Order Granting
Development Consent for the Southampton to London Pipeline Project**

**Request A: To Make Changes to the Original Application as submitted at
Deadline 3 [REP3-022]**

**Request B: To Make Changes to the Original Application as submitted at
Deadline 4 [REP4-001]**

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by the Applicant at Deadline (D)3, Wednesday 18 December 2019 (Examination Library reference [REP3-022]) (Herein known as Request A). The ExA also makes a Procedural Decision to request additional information in respect to further changes to the Application sought by the Applicant at D4, Thursday 30 January 2020 [REP4-001] (herein known as Request B).

Request A

In our letter dated of 13 January 2020 [PD-011], the ExA requested additional information from the Applicant in respect of proposed changes to the quantum and sizes of the proposed logistics hubs. The Applicant responded at D4 [REP4-048] with the following:

- The Applicant confirmed our understanding of the changes proposed to logistics hubs Work Nos 6C (Hartland Village), 7A (Ministry of Defence land at Deepcut), and 6B (A31/A32 junction Northfield Lane) were correct.

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- The new land to be included within the Order limits at Hartland Village would be for Temporary Possession (TP) powers only, thus no additional land is sought. Furthermore, the Applicant also confirmed that the new land to be included within the Order limits concerns a private access road only, affects the same Affected Person (AP), and that a voluntary agreement has been entered into with that party. The Applicant also confirmed that the change request is shown only to clarify the access arrangements at the logistic hub and would not restrict the use of the roads for others. There is no proposed change to the Order limits and no additional land would be required at the other two proposed logistics hubs at Deepcut or the A31/A32 junction.
- The Applicant also confirmed that the environmental effects resulting from the traffic changes associated with the two remaining temporary logistics hubs have been cumulatively assessed and remains as reported in the Environmental Statement.

In the same letter [PD-011], the ExA also requested the views of all relevant planning and highway authorities as to their views as to the change requests in respect to the planning effects, and we have noted the responses received.

Having reviewed all matters, the ExA concludes that the proposed changes the subject of Request A would not result in new or materially different significant effects on the environment. The changes can be deemed to be non-material and accordingly are accepted into the Examination.

Request B

In its submissions at D4 [REP4-001] and [REP4-057], the Applicant has sought a further three changes to the Application. These are summarised in the following table.

Description	Relevant Drawings	Change Request
Valve 3 at Lower Preshaw Farm, Upham	Land Plans Sheet 7 [AS-042] Works Plans Sheet 7 [AS-048] General Arrangement Plans (GAPs) Sheet 7 [REP3-005]	Change to the location of the valve and to permanent access rights at the request of the landowner [REP3-058] for operational reasons.
Valve 9 at QinetiQ, Farnborough	Land Plans Sheet 33 and 103 [AS-043] and [AS-044] Works Plans Sheet 33 and 103 [AS-048] and [AS-049] GAP Sheets 33 and 103 [REP3-005]	Change to the location of the valve, to permanent access rights, and to a reduction in the limits of deviation at the request of the landowner [REP3-060] for operational reasons.

Description	Relevant Drawings	Change Request
Abbey Rangers FC, Ashford	Land Plans Sheet 48 and 116 [AS-043] and [AS-044] Works Plans Sheet 48 and 106 [AS-048] and [AS-049] GAP Sheets 48, 49 and 116 [REP3-005] Access and Right of Way Sheets 48 and 116 [REP4-057]	Change to the limits of deviation and construction technique across Pitch No.2 to allow trenchless and stringing out operations following requests made by Surrey County Council [REP1-023] and by Abbey Rangers FC [REP3-052].

The ExA notes previous responses from Interested Parties and APs in respect to their respective requested changes to the Application on the sites listed above. However, the ExA also notes that in all cases, the requested changes would require additional compulsory acquisition (CA) powers, whereby on parts of plots 228, 231, 990, 1001, 1786 and 1787, CA for new rights would replace land currently shown on the Land Plans [AS-042] to [AS-045] as TP. It is noted that none of the APs made written representations expressing consent for these additional powers sought.

The ExA has reviewed the request specifically against the provisions of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs). These regulations apply to "additional land" which is land proposed to be subject to CA which was not identified as such in the Book of Reference. A change from TP to CA involves the CA of additional land for the purpose of the CA Regs. Consequently, we have concluded that we are unable to determine whether such changes can be deemed to be material or non-material or whether they should be accepted at this time.

Additional information is required from the Applicant in order for the ExA to determine the outcome of the requested change. Specifically, the ExA requires evidence from the Applicant that all persons with an interest in the additional land, consent to its inclusion in the development consent order as land subject to CA. If this is not possible at the current time, the ExA requests the Applicant provide an indication of when this information will be submitted. The Applicant is also asked for its views as to whether the prescribed procedures in Regulations 5-19 of the CA Regs can be complied with within the Examination timetable should agreement not be forthcoming.

The ExA requests the additional information sought in respect to Request B, and the changed documents as a result of the acceptance of Request A including an updated Book of Reference, is submitted at D5, **Thursday 13 February 2020**.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Richard Allen

Lead Member of the Examining Authority